

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 1/11/2024

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

**Consent
Order of Restitution**

v.

JEFFREY SOBERMAN PARKET,

Defendant.

22 Cr. 311 (MKV)

Upon the application of the United States of America, by its attorney, Damian Williams, United States Attorney for the Southern District of New York, Jane Y. Chong, Assistant United States Attorney, of counsel; the presentence investigation report; the defendant's conviction on Counts One and Three of the Information; and all other proceedings in this case, it is hereby ORDERED that:

1. Amount of Restitution

JEFFREY SOBERMAN PARKET, the defendant, shall pay restitution in the total amount of \$37,643,842.90, pursuant to 18 U.S.C. § 3663A, to the victims of the offense(s) charged in Count One. The names, addresses, and specific amounts owed to each victim are set forth in the Schedule of Victims, attached hereto as Schedule A. Upon advice by the United States Attorney's Office of a change of address of a victim, the Clerk of Court is authorized to send payments to the new address without further order of this Court.

A. Joint and Several Liability

Restitution is not joint and several with other defendants or with others not named herein.

B. Apportionment Among Victims

Pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid. Restitution shall be paid to the victim(s) identified in the Schedule of Victims, attached hereto as Schedule A, on a pro rata basis, whereby each payment shall be distributed proportionally to each victim based upon the amount of loss for each victim, as set forth more fully in Schedule A.

2. Schedule of Payments

Pursuant to 18 U.S.C. § 3664(f)(2), in consideration of the financial resources and other assets of the defendant, including whether any of these assets are jointly controlled; projected earnings and other income of the defendant; and any financial obligations of the defendant; including obligations to dependents, the defendant shall pay restitution in the manner and according to the schedule that follows:

In the interest of justice, restitution will be payable in installments pursuant to 18 U.S.C. § 3572(d)(1) and (2).

While serving the term of imprisonment, the defendant shall make installment payments toward restitution and may do so through the Bureau of Prisons' (BOP) Inmate Financial Responsibility Plan (IFRP). Any unpaid amount remaining upon release from prison will be paid in installments of 15 percent of the defendant's gross income on the 1st of each month, to commence 30 days after release from BOP custody.

This schedule is without prejudice to the Government taking enforcement actions, pursuant to 18 U.S.C. § 3613, to the extent warranted.

3. Whistleblower Income

The defendant shall notify the USAO in writing within 10 days of receipt of all Whistleblower Income.

A. Definition of Whistleblower Income

Whistleblower Income is defined as all funds that the defendant earns as a named or unnamed whistleblower whose information and assistance leads to the successful enforcement of, among other things, actions by the Securities and Exchange Commission. “Whistleblower Income” includes income from all manner of whistleblower cases, including, but not limited to those arising from any federal, state, or municipal claims or actions and include any award or compensation the defendant obtains under any federal, state, or municipal statute, rule, or regulation for reporting wrongdoing by or against any federal, state, or municipal agency or entity. The USAO will not collect the defendant’s criminal liability from fees paid or payable to counsel representing the defendant in whistleblower cases provided that those fees are due and owing solely for work performed on the whistleblower action resulting in the whistleblower award recovered.

B. Agreed Exemption Applicable to Whistleblower Income

A portion of Whistleblower Income shall be reserved for the payment of federal and state income taxes. The remaining Whistleblower Income shall be subject to the judgment lien and enforcement by the USAO pursuant to 18 U.S.C. § 3613. To the extent that the defendant uses Whistleblower Income to acquire real or personal property, the criminal judgment lien attaches to any income, gain, or appreciation earned on such property. The defendant bears the burden of maintaining records necessary to prove when, how, and where he expends, invests, or transfers Whistleblower Income and providing proof of same to the USAO upon request.

C. Annual Financial Disclosure

On or before April 15 of each year until his criminal liability is satisfied, the defendant shall be required to provide the USAO with copies of his federal and state income tax returns (or, if an extension of time to file his tax returns is submitted, within one week of filing), a list of all assets purchased in the prior tax year that had a purchase price of \$10,000 or more, including the source of funds for each such purchase, and supporting documentation of same. Any property or right to property that the defendant fails to disclose to the USAO shall be subject to immediate execution of the criminal judgment lien.

4. Payment Instructions

The defendant shall make restitution payments by certified check, money order, or online. Instructions for online criminal debt payments are available on the Clerk of Court's website at <https://nysd.uscourts.gov/payment-information#PaymentofCriminalDebt>. Checks and money orders shall be made payable to the "SDNY Clerk of Court" and mailed or delivered to: United States Courthouse, 500 Pearl Street, New York, New York 10007 - Attention: Cashier, as required by 18 U.S.C. § 3611. The defendant shall write his/her name and the docket number of this case on each check or money order.

5. Change in Circumstances

The defendant shall notify, within 30 days, the Clerk of Court, the United States Probation Office (during any period of probation or supervised release), and the United States Attorney's Office, 86 Chambers Street, 3rd Floor, New York, New York 10007 (Attn: Financial Litigation Program) of (1) any change of the defendant's name, residence, or mailing address or (2) any material change in the defendant's financial resources that affects the defendant's ability to pay restitution in accordance with 18 U.S.C. § 3664(k).

The defendant shall pay interest on any restitution amount of more than \$2,500.00, unless restitution is paid in full before the fifteenth day after the date of the judgment, in accordance with 18 U.S.C. § 3612(f)(1).

6. Term of Liability


The defendant's liability to pay restitution shall terminate on the date that is the later of 20 years from the entry of judgment or 20 years after the defendant's release from imprisonment, as provided in 18 U.S.C. § 3613(b). Subject to the time limitations in the preceding sentence, in the event of the death of the defendant, the defendant's estate will be held responsible for any unpaid balance of the restitution amount, and any lien filed pursuant to 18 U.S.C. § 3613(c) shall continue until the estate receives a written release of that liability.

7. Sealing

Consistent with 18 U.S.C. §§3771(a)(8) & 3664(d)(4) and Federal Rule of Criminal Procedure 49.1, to protect the privacy interests of victim(s), the Schedule of Victims, attached hereto as Schedule A, shall be filed under seal, except that copies may be retained and used by or disclosed to the listed victims, the Government, the investigating agency, the Clerk's Office, and the Probation Office, as needed to effect and enforce this Order, without further order of this Court.

AGREED AND CONSENTED TO:


DAMIAN WILLIAMS
United States Attorney for the
Southern District of New York

By: 
JANE YUMI CHONG
One Saint Andrew's Plaza
New York, NY 10007
Tel.: (212) 637-2263

1/10/2024

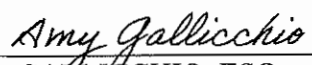
DATE

JEFFREY SOBERMAN PARKET

By: 
JEFFREY SOBERMAN PARKET

1/10/2024

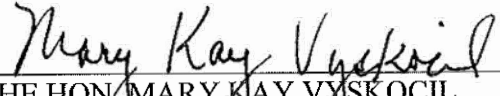
DATE

By: 
AMY GALLICCHIO, ESQ.
Federal Defenders of New York, Inc.
52 Duane Street, 10th Floor
New York, NY 10007
212-417-8728

1/10/2024

DATE

SO ORDERED:


THE HON. MARY KAY VYSKOCIL
UNITED STATES DISTRICT JUDGE

1/11/2024

DATE